

Attorney Docket No.: J3704(C)
Serial No.: 10/538,360
Filed: June 13, 2005
Confirmation No.: 6009

REMARKS

Claim 1 has been amended to incorporate the requirements of claim 5 and to further specify that the guanidinium salt and disaccharide are present in the composition in a weight ratio of guanidinium salt to disaccharide of from 1:10 to 4:1. See, for example, the specification at page 4, lines 26 to 28. Additionally, claim 1, has been amended to change "I)" to --i)-- to maintain consistency in the numbering format of the claim. New claim 13, depending from claim 1 specifies that the guanidinium salt and disaccharide are present in the composition in a molar ratio of guanidinium salt to disaccharide of from 0.1:1 to 2:1. See, for example, page 5, lines 1 to 3. New claim 14 specifies that the composition has a pH in the range of pH 3-5. New claim 15 specifies that the weight ratio of guanidinium salt to disaccharide is from 2:1 to 1:2. See, for example, page 4, lines 13 to 14. Claim 5 has been cancelled without prejudice. Claim 6 has been amended to change its dependency from cancelled claim 5 to claim 1. Claim 8 has been amended to specify that the composition further comprises water. See, for example, Examples 1 and 2.

Entry of the subject amendments is respectfully requested.

It is respectfully submitted that the subject amendment moots the nonstatutory obviousness type double patenting rejection over copending Serial Nos. 11/547,576; 11/547,577; and 12/086,091. Reconsideration thereof is respectfully requested.

Claims 1, 3, 4 and 7 stand rejected under 35 U.S.C. 102(b) as anticipated by JP 61-238894 (Sunstar KK), which rejection is understood to be based on the Abstract of record. Additionally, claims 1 and 2 stand rejected under 35 U.S.C. 103(a) over Sunstar KK. Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as

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obvious over Sunstar KK in view of Nakajima et al. (cited as WO 97/13301)¹. These rejections are respectfully traversed.

Pursuant to the subject invention it was found that the inclusion in a hair treatment composition of a specific combination of selected actives, namely a selected disaccharide (i.e. trehalose, cellobiose, or mixtures thereof), a diacid, and a guanidinium salt, and employing a particular weight ratio of guanidinium salt to disaccharide, provides a composition that is particularly suitable for repair and restoration of damaged hair, while affording the further advantage of helping to increase the manageability of the hair.

Sunstar KK is directed to detergent compositions that include selected amounts of anionic surfactant, amphoteric surfactant, oligosaccharide and what in the Abstract is termed "builder" (understood as meaning "thickener"). There is nothing in Sunstar KK that discloses compositions that include a guanidinium salt as required by the subject claims. Moreover there is nothing in the citation that discloses or suggests that a combination of disaccharide, diacid and guanidium salt as in the subject claims would be suitable for repairing or restoring damaged hair or would help to increase hair manageability.

Nakajima et al. is directed to cosmetic compositions therein disclosed as having the effect of maintaining or enhancing the water-retaining ability of the horny layer of the skin and thereby reducing wrinkles. The cosmetic compositions of Nakajima et al. include (A) certain amide derivatives as therein more particularly described and (B) at least one ingredient selected from polyhydric alcohols,

¹ It is believed that the proper citation for Nakajima et al. is WO 97/14401, which is the citation addressed in this Amendment. WO 97/13301 is a PCT application to Nasser et al. directed to a test socket for an IC device. Nakajima et al. is correctly identified as WO 97/14401 on the 892 Form that accompanied the referenced Office Action.

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vegetable extracts and organic acid or salts thereof. Additionally, the citation discloses that the skin enhancing effects of the combination of (A) and (B) may be further enhanced by the inclusion of at least one component selected from the following:

- (C) an acid hetero-polysaccharide derived from the callus of a plant belonging to Polyanthes L;
- (D) a stearyl;
- (E) an antiphlogistic substance;
- (F) a singlet oxygen scavenger or antioxidant;
- (G) an amine derivative of the formula (b) as therein more particularly described; and
- (H) a guanidine derivative represented by formulas (e) or (f) as therein more particularly described or the acid addition salt thereof.

While Nakajima et al. does allow for the presence of an acid hetero-polysaccharide derived from a very specific group of plants, there is nothing in the citation that discloses the inclusion of trehalose and/or cellobiose as required by the subject claims. Further, there is nothing in the citation that discloses or suggests a composition comprising the subject combination of i) trehalose and/or cellobiose, ii) diacid and iii) guanidinium salt. Nor is there anything that discloses or suggests the benefits of such a composition with respect to reducing or repairing damaged hair. While Nakajima et al. does disclose that its compositions may be formulated as hair cosmetics, the benefits claimed by Nakajima et al. relate to the skin. In particular, one skilled in the art reading Nakajima et al. is taught that the guanidine derivative therein disclosed has a skin roughness improving/wrinkle reducing effect that acts synergistically and operates to boost the efficacy of the combined amide (A) and additional ingredient(s) (B).

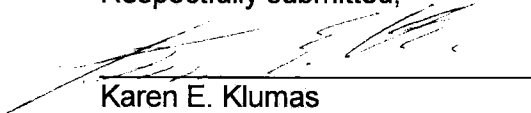
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It is respectfully submitted that one skilled in the art reading Sunstar KK and Nakajima et al. would not be reasonably motivated to selectively extract the teaching of Nakajima et al. regarding the guanidine derivative (H) (one of many optional components therein disclosed) and incorporate same in the compositions of Sunstar KK (having first selected both a disaccharide and a diacid component as required by the subject claims from the components therein described) and employing a weight ratio of guanidinium salt to disaccharide of from 1:10 to 4:1 (or 2:1 to 1:2 as in new claim 15) to achieve the benefits of the subject invention.

In view of the foregoing comments and remarks, reconsideration and allowance of the subject claims, as hereby amended, is respectfully requested.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



Karen E. Klumas
Registration No. 31,070
Attorney for Applicant(s)

KEKsa
(201) 894-2332